

# Decision of the Administrative Council of 12 December 2002 approving amendments to the Rules of Procedure of the Enlarged Board of Appeal of the European Patent Office CA/D 18/02

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention, and in particular Article 23, paragraph 4, thereof,

Having regard to the amendments to the Rules of Procedure of the Enlarged Board of Appeal, adopted on 28 October 2002 under Rule 11, paragraph 2, of the Implementing Regulations to the European Patent Convention,

HAS DECIDED AS FOLLOWS:

## **Article 1**

The amendments to the Rules of Procedure of the Enlarged Board of Appeal, as shown in the Annex to this decision, are hereby approved.

## **Article 2**

This decision shall enter into force on 1 May 2003.

Done at Munich, 12 December 2002

For the Administrative Council  
The Chairman

Roland GROSSENBACHER

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**ANNEX**

## **DECISION**

Amendments to the Rules of Procedure of the Enlarged Board of Appeal OJ EPO 1983, 3 as amended in OJ EPO 1989, 362 and OJ EPO 1994, 443

In accordance with Rule 11 of the Implementing Regulations to the Convention on the Grant of European Patents, the Enlarged Board of Appeal amends its Rules of Procedure as follows:

## **Article 1**

**(1)** The text of Article 1, paragraph 1, is amended as follows:

"(1) Before the beginning of each working year the members of the Enlarged Board of Appeal appointed under Article 11 paragraph 3 EPC shall draw up a business distribution scheme for all points of law that shall be referred during the year. The scheme may be amended during the working year."

**(2)** The text of Article 5, paragraph 2, is amended as follows:

"(2) The members of the Enlarged Board of Appeal appointed under Article 11 paragraph 3 EPC may entrust to the Senior Registrar tasks which involve no technical or legal difficulties, in particular in relation to arranging for inspection of files, issuing summonses to oral proceedings and notifications and granting requests for further processing of applications."

**(3)** New paragraphs 2 to 7 are inserted in Article 9, the text to be as follows:

"(2) The Board may send a communication drawing attention to matters which seem to be of special significance, or to the fact that questions appear no longer to be contentious, or containing other observations that may help concentration on essentials during the oral proceedings.

(3) A change of date for oral proceedings may exceptionally be allowed in the Board's discretion following receipt of a written and reasoned request made as far in advance of the appointed date as possible and copied to any other parties who shall as promptly as possible inform the Board whether or not they agree.

(4) The Board shall not be obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case.

(5) The Chairman presides over the oral proceedings and ensures their fair, orderly and efficient conduct.

(6) When a case is ready for decision during oral proceedings, the Chairman shall state the final requests of the parties and declare the debate closed. No submissions may be made by the parties after the closure of the debate unless the Board decides to re-open the debate.

(7) The Board shall ensure that each case is ready for decision at the conclusion of the oral proceedings, unless there are special reasons to the contrary. Before the oral proceedings are closed, the Board's decision may be announced orally by the Chairman."

## **Article 2**

The amendments to the Rules of Procedure of the Enlarged Board of Appeal contained in Article 1 of this decision shall enter into force on the same day on which the decision of the Administrative Council of the European Patent Organisation approving these amendments enters into force.

Done at Munich, 28.10.2002

For the Enlarged Board of Appeal  
The Chairman

Peter Messerli

